IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.838 OF 2005

WITH

CIVIL APPLICATION NO.1225 OF 2005

Ramkumar Jalan Public Charitable

Trust ...Appellant

Versus

M/s.Rolex Marble & Anr. ...Respondents

.....

Mr.J.G.Damani for Appellant.

Mr.Rakesh M.Pandey for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JULY 19, 2006.

P.C.

1. Heard Counsel for the parties.

2. The view expressed by the Trial Court while allowing the Notice of Motion in terms of prayer clauses (a) and (b) filed by the Respondents/Plaintiffs seems to be a possible view supported by the documents on record. Obviously, the findings reached by the lower Court which is

affirmed by this order is only tentative finding for consideration of interim relief. The fact whether the Appellants had let out only shed or shed along with open plot is a matter which will be considered in the pending Suit. All questions in that behalf are left open. No interference in this appeal is warranted in the fact situation of the present case.

3. Counsel for the parties submit that the Suit is now fixed for recording of evidence on 2nd August 2006. If so, the Trial Court may be well advised to expeditiously dispose of the Suit, preferably by end of June 2007. This observation is made on the basis of the assurance given by the parties through their respective Counsel that they will extend full cooperation to the Trial Court for early disposal of the Suit and shall not seek any adjournment on any count.

4. Appeal and the cognate Civil Application disposed of on the above terms.

A.M.KHANWILKAR, J.